IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Cont.Case(C).No.547 of 2007(S)

ARISING FROM THE ORDER IN W.P.(C).NO.27575/2006 DATED 02/01/2007

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PETITIONER:-

PRAVEEN.J.R,
AGED 30 YEARS,
S/O.RADHAKRISHNA PANICKER,
JYOTHISH,
ATHIYANNOOR,
ARALUMMOODU,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.P.KELU NAMBIAR (SR.)
SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.TITUS THOMAS
SRI.L.RAM MOHAN

RESPONDENT:-

SHYAMALA THANKACHI,
AGED 53 YEARS,
D/O.KARUNAGARAN PILLAI,
SECRETARY,
TRAVANCORE DEVASWOM BOARD,
NANTHENCODE,
THIRUVANANTHAPURAM.

BY STANDING COUNSEL SRI.NAGARAJ NARAYANAN.

THIS CONTEMPT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

H.L.DATTU, C.J. & K.M.JOSEPH, J.

Cont. Case (C) No.547 of 2007

Dated, this the 14th day of November, 2007

JUDGMENT

H.L.Dattu, C.J.

Complainant alleges in this contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India, that the respondent in the contempt petition has wilfully and deliberately disobeyed the orders and directions issued by this Court in W.P.(C) Nos.26692, 27575 and 22384 of 2006 dated 2nd of January, 2007. Therefore, a request is made to initiate appropriate proceedings against the respondent and punish her for the wilful and deliberate disobedience of the orders and directions issued by this Court.

(2) Notice in this contempt petition was ordered to be issued and served on the respondent. She has entered appearance through her counsel. She has also filed a counter affidavit before this Court.

(3) This Court while disposing of the writ petition by its order dated 2nd January, 2007 has issued the following directions. The same is as under:

> "We also direct that the steps in respect of the selection to the post of L.D.C./Group Officers including interview are to be completed and a rank list prepared. We record the undertaking given by the additional 8th respondent in the writ petition that they will not interfere with such procedures. It is however, made clear that appointments are to be made only after further orders are passed by this Court."

(4) The respondent has filed a detailed counter affidavit. In that it is stated that all files relating to the selection proceedings and appointments made to certain categories of posts in the Devaswom are produced before the High Power Commission pursuant to the directions issued on 1.3.2007.

(5) Since the files relating to the selection process of L.D.Clerks/Sub Group Officers in the Devaswom are before the High Power Commission, the respondent is not in a position to comply with the orders and directions issued by this Court.

(6) In our opinion, since there is no deliberate disobedience of the orders and directions issued by this Court, for the present, we need not have taken cognizance of this complaint by the complainant. Therefore, the proceedings are dropped for the present. Liberty is reserved to the petitioner to approach this Court if need arises in future.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

vns